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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00167 DLJ
)	
Plaintiff,)	PARTIES' STIPULATION AND ORDER TO SET
)	HEARING DATE AND CONTINUE DATE FOR
v.)	OTHER HEARINGS AND SENTENCING
)	
EDWARD LEE SULLIVAN)	
aka "Three Stacks,")	
)	
Defendant.)	
)	

The parties, by and through undersigned counsel, move this Court and stipulate as follows:

1. This case is presently set for post-trial motions hearing and sentencing on November 4, 2011.

1 2. The government's position, pursuant to 18 U.S.C. § 3559(e), is that the defendant
2 should be sentenced to life imprisonment. Defendant Edward Lee Sullivan disagrees. The
3 defendant remains in custody and is functioning *in pro per* or as *pro se* counsel.

4 3. Pending before the Court are several post-trial motions filed by the defendant,
5 including his "Motion for Production of All Graphic Media Images in Discovery Rules 16(E)
6 and 41(g)" (Dkt. Nos. 149 and 155), "Motion Allowing the Filing of Additional Motions by
7 Defendant" (Dkt. No. 158), "Motion in Furtherance of Self-Representation" (Dkt. No. 150), and
8 the recently filed "Motion to Vacate the Sentencing Hearing Portion of the Hearing Now Set for
9 November 4, 2011" (Dkt. No. 161). Also relevant to the issue of defendant's self representation,
10 the defendant filed a letter to the Court on October 18, 2010 (Dkt. No. 160).

11 4. The government has filed its "Opposition to Defendant's Motion for Production
12 of All Graphic Media Images in Discovery Rules 16(e) and 41(g) and United States' Motion for
13 Protective Order" (Dkt. No. 159).

14 5. The government supports the defendant's efforts to obtain supplies and any other
15 resources, per the facility's policies, afforded to inmates proceeding *in pro per* or as *pro se*
16 counsel.

17 6. The parties agree that the issues addressed in the filings specified in paragraphs 3
18 and 4 above (Dkt. Nos. 149, 150, 155, 158, 159, 160, and 161) are threshold issues that should
19 be heard and decided by the Court on November 4, 2011 before further briefing on the
20 defendant's other post-trial motions and before any hearing on those motions and defendant's
21 sentencing. The defendant plans to file additional motions *in pro per* once he has the proper
22 means to do so and in light of the Court's resolution of the issues raised in those filings

23 7. The parties agree and move the Court to reset the hearing date for all other
24 motions and for sentencing on or after December 16, 2011. The parties certify that they have
25 confirmed the availability of the assigned Probation Officer for this date. The parties have
26 attempted to contact the assigned Courtroom Deputy Clerk, but were unable to do so before
27 filing this Stipulation. However, undersigned defense counsel believes that the Court is
28 available on December 16, 2011 due to other matters set before the Court on that date.

8. The parties agree and move the Court to reset the briefing schedule as follows:

(a) any additional motions to be filed by November 14, 2011; (b) responses to be filed by November 25, 2011; and (c) replies and Sentencing Memoranda to be filed by December 9,

2011. 9. The parties have complied with the Local Rules with respect to responses to the draft presentence report; the final presentence report might be disclosed on October 21, 2011, however, given the present sentencing date of November 4, 2011. Without the Court explicitly resetting the due date for the Sentencing Memoranda, Local Rule 32-5(b) would otherwise require such memoranda to be filed 4 days after publication of the final presentence report.

10. Good cause exists to reset the briefing schedule as it will afford the defendant time to file additional motions with the proper resources and with the resolution of any pending issues concerning access to evidence. Further, the government will be able to offer consolidated and consistent responses to pending motions in light of issues raised in any additional motions that may be filed.

11. Given the scheduling issues at hand, the defendant does not object to the government filing its responses to the defendant's motions by Monday, October 24, 2011 should the Court deny the parties' stipulated motion to reset the briefing schedule and continue the motions and sentencing hearing date.

Dated: October 21, 2011

So stipulated.

/s/

JOHN J. JORDAN, Esq.
Counsel for Defendant Edward Lee Sullivan

MELINDA HAAG
United States Attorney

/s/

 ANDREW HUANG
 Assistant United States Attorney

ALECIA RIEWERTS WOLAK
Trial Attorney

1
2 **ORDER**

3 GOOD CAUSE APPEARING, it is ordered that:

4 1. The motions filed by the parties at Docket Nos. 149, 150, 155, 158, 159, 160, and
5 161, and any other threshold issues concerning access to evidence, access to or by counsel, or the
6 defendant's *in pro per* representation shall be heard by the Court on November 4, 2011.

7 2. Hearings on all other motions and sentencing, which are presently set for
8 November 4, 2011, shall be continued to December 16, 2011 at 10:00 a.m.

9 3. The previously ordered briefing schedule is vacated, and reset as follows:
10 (a) additional motions to be filed by November 14, 2011; (b) responses to be filed by November
11 25, 2011; and (c) replies and sentencing memoranda to be filed by December 9, 2011.

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13 **SO ORDERED.**

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15 Date: October 24, 2011

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17 Hon. D. LOWELL JENSEN
18 United States District Judge
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